REMARKS

Claims 1-10, 12 and 13 are pending in this application.

I. Claim Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1-10, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Kita et al. (US 6,307,052) in view of Lehmussaari et al. (US 5,795,913). Applicant respectfully traverses the rejection.

Claim 1 is directed to an aqueous liquid preparation comprising, in an aqueous solution, an active ingredient consisting of bepotastine, or a pharmacologically acceptable acid addition salt thereof, and **a water-soluble metal chloride** in a light-stabilizing effective amount of **0.2 w/v% or more**.

Claim 10 is directed to an aqueous eye drop comprising, in an aqueous solution, bepotastine, as the only active ingredient, and **sodium chloride at not less than 0.2 w/v%** and not more than 0.8 w/v% in a light-stabilizing effective amount.

Claim 13 is directed to an aqueous eye drop comprising an active ingredient consisting of bepotastine or a pharmacologically acid addition salt thereof, which is light-stabilized with **a water-soluble metal chloride at not less then 0.2 w/v%.**

Accordingly, the preparation and eye drops of claims 1, 10 and 13 require a water-soluble metal chloride in a light-stabilizing effective amount of 0.2 w/v%.

The Examiner admits that while the Kita et al. reference teaches a medical composition comprising bepotastine, the reference does not specifically teach how the composition is formulated, and does not specifically teach a water-soluble metal chloride in a light-stabilizing effective amount of 0.2 w/v% or more (see Office Action, page 3, fourth paragraph).

The Examiner takes the position that the Lehmussaari et al. reference teaches an ophthalmic composition consisting essentially of at least one salt selected from the group of inorganic salts and buffers in a total amount of from 0.01 to 2.0% by weight (see the paragraph bridging pages 3 and 4 of the Office Action). Moreover, the Examiner asserts that the Lehmussaari et al. reference discloses a composition containing **0.9% of sodium chloride** in Example 2 (see Office Action, page 4, lines 4-5 and page 5, line 5).

The formulation of Example 2 of Lehmussaari et al. contains 0.9 g of sodium chloride and 1000 mL of water for injection. As a result, the concentration of sodium chloride in this formulation is clearly **0.09 w/v%**, rather than 0.9 w/v%. Thus, the Examiner's assertion is

incorrect. The Lehmussaari et al. reference does not teach or suggest **a water-soluble metal chloride** in a light-stabilizing effective amount of **at least 0.2 w/v%**, as required in claims 1, 10 and 13.

Moreover, the claimed invention provides the specific effects of the absence of color change and precipitation even after light irradiation, because the composition contains at least 0.2 w/v% of a water-soluble metal chloride. The concentration of 0.09 w/v% of sodium chloride disclosed in Example 2 of Lehmussaari et al. does not provide these effects, as demonstrated by the results of Experimental Example 1 of the present specification. In Experimental Example 1, Formulation 2 contains **0.1 w/v% of sodium chloride**, which is even higher than the 0.09 w/v% disclosed in Lehmussaari et al., and this example showed a color change to slightly dark green-pale yellow and produced precipitation, both after light irradiation. On the other hand, even after light irradiation, Formulations 3 and 4, which contain at least 0.2 w/v% of sodium chloride, showed no color change from immediately after production, and were pale-yellow and clear.

The aqueous liquid preparation of claim 1 and the eye drops of claims 10 and 13 provide the specific effects of the absence of color change and precipitation, even after light irradiation, because there is at least 0.2 w/v% of a water-soluble metal chloride in the compositions. These effects would not have been obvious or expected from Lehmussaari et al. and Kita et al., because the references do not specifically disclose a composition containing at least 0.2 w/v% of a water-soluble metal chloride.

In addition, as mentioned above, the Examiner asserts that the composition of Lehmussaari et al. contains "at least one salt selected from the group of inorganic salts and buffers in a total amount of from 0.01 to 2.0% by weight".

The Lehmussaari et al. reference only specifically discloses sodium chloride in 0.09 w/v% in Example 2, and sodium phosphate monobasic and sodium phosphate dibasic in Examples 1 and 3-8, as compositions containing "at least one salt selected from the group of inorganic salts and buffers". It is apparent from the results of Experimental Example 4 of the present specification that these salts do not provide the effects of the claimed invention.

Formulations containing sodium dihydrogen phosphate and glycerin are described in Formulations 13-17 of Experimental Example 4 in the present specification. After light irradiation, Formulation 13 turned into pale black green, Formulation 14 turned into black green, Formulation 15 turned into blue, and Formulation 16 turned into black green, together with

development of precipitation. Formulation 17 turned into yellow brown after light irradiation.

The Lehmussaari et al. reference does not provide any reason or motivation to one of ordinary skill in the art to specifically select a water-soluble metal chloride in a light-stabilizing effective amount of at least 0.2 w/v% from the broad disclosure of "at least one salt selected from the group of inorganic salts and buffers in a total amount of from 0.01 to 2.0% by weight".

Moreover, the Lehmussaari et al. reference does not provide any reason or motivation to those of ordinary skill in the art to select a water-soluble metal chloride in a light-stabilizing effective amount of at least 0.2 w/v%, and then to combine it with the bepotastine formulation disclosed in the Kita et al. reference.

Thus, the aqueous liquid preparation of claim 1 and the eye drops of claims 10 and 13, having the specific effects discussed above, would not have been obvious over the references.

Accordingly, claims 1, 10 and 13 would not have been obvious over the references.

Claims 2-9 and 12 depend directly or indirectly from claim 1, and thus also would not have been obvious over the references.

Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

For these reasons, Applicant takes the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing remarks, it is submitted that the rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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